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Reserved

Central Administrative Tribunal, Allahabad.

Registration O.A.No. 733 of 1987

Nighat Khan Lodi

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Applicant

Vs.

Union of India and 2 others

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Respondents.

Hon.D.S.Misra, AM
Hon.G.S.Sharma, JM

(By Hon.G.S.Sharma, JM)

The applicant in this petition u/s.19 of the Administrative Tribunals Act XIII of 1985 (herein-after referred to as the Act) has challenged the validity of the order dated 25.3.1987 of her suspension and has prayed that it be quashed.

2.

The relevant facts of this case are that the applicant while posted as Inspector of Customs Lucknow was directed by the Superintendent (P) Customs Lucknow that she along with a party of 5 other inspectors including K.C.Agnihotri and other staff of the Excise Department should go and intercept a bus coming from Bahraich carrying foreign passengers in possession of certain contraband goods of foreign origin. The applicant along with her party accordingly intercepted the bus in question on 16.12.1986 and found contraband goods and after leaving some items with the passengers, on the direction of the respondent no.3 the Assistant Collector Customs, who was supervising the entire activity, the contraband goods were seized and a panchnama was prepared. The applicant and K.C.Agnihotri were thereafter placed under suspension by the respondent no.2 Dy.Collector Central Excise by his order dated 25.3.1987 but till the date, the applicant and K.C.Agnihotri presented the petitions u/s.19 of the Act before this Bench on 17.8.1987, neither any charge sheet was served on them nor their suspension was revoked. The orders of suspension were accordingly challenged on the ground that they could not be kept under suspension for such a long time without serving any charge sheet.

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"....Thus, irrespective of the fact that no appeal was filed by the applicant, as he had made a representation and about a year has expired since the applicant was placed under suspension, we will like to revoke his suspension on the clear understanding that in case the keeping of the applicant at his present station is not expedient in view of the contemplated action against him, he may be transferred to any other suitable place and after finalizing and serving the charge sheet on the applicant the respondents will be at liberty to reconsider the desirability of placing him under suspension again in accordance with law, if the charges framed against him so warrant.

7. The petition is accordingly allowed and the suspension of the applicant shall stand revoked from the date he reports for duty."

7. The service of the charge sheet on the applicant has made her case distinguishable but we will not like to make any distinction at this stage and as we had already empowered the respondents in the case of K.C. Agnihotri to reconsider the desirability of placing the officer under suspension again in accordance with law if the charges framed against him so warrant, the same powers can be exercised by the respondents in the case of the applicant. We are not aware whether K.C. Agnihotri has been served with charge sheet so far or not and if served whether he has been placed under suspension or not. Thus, instead of examining the desirability of keeping the applicant under suspension after service of the charge sheet on her, we leave it ^{to} the respondents to consider this fact so that there may not be any discrimination against her in this respect. The case of K.C. Agnihotri was decided on 23.4.1988 and merely on account of some delay in the disposal of the present case, we will not like to pass a different order in view of the facts stated above.

8. The petition is accordingly allowed and the suspension of the applicant shall stand revoked from the date she reports for duty. The respondents will be at liberty to reconsider the desirability of placing her under suspension again in accordance with law if the charges framed against her so warrant. There is no order as to costs.

MEMBER (A)

Dated: 2nd June 1988

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MEMBER (J)